

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**UNITED STATES OF AMERICA**

**and**

**THE STATES OF CALIFORNIA,  
DELAWARE, FLORIDA, GEORGIA,  
HAWAII, ILLINOIS, INDIANA,  
LOUISIANA, MASSACHUSETTS,  
MICHIGAN, NEVADA NEW  
HAMPSHIRE, NEW JERSEY, NEW  
MEXICO, NEW YORK, OKLAHOMA,  
RHODE ISLAND, TENNESSEE, TEXAS,  
VIRGINIA AND WISCONSIN AND THE  
DISTRICT OF COLUMBIA**

*ex rel.*

**DESALLE BUI,**

**Plaintiffs,**

**VS.**

**VASCULAR SOLUTIONS, INC.**

**Defendant.**

**A-10-CA-883-SS**

**JOINT MOTION FOR THE ENTRY OF  
A STIPULATED PROTECTIVE ORDER  
GOVERNING THE EXCHANGE OF  
CONFIDENTIAL INFORMATION AND  
A STIPULATED PROTECTIVE ORDER  
GOVERNING THE DISCLOSURE OF  
HEALTH INFORMATION**

Plaintiff the United States of America, Relator DeSalle Bui, and Defendant Vascular Solutions, Inc. (“VSI”) hereby respectfully request that this Court enter two Protective Orders – a protective order governing the exchange of confidential information and a protective order governing the disclosure of health information.

The first protective order concerning confidential information is based on the Western District of Texas model Confidentiality and Protective Order (“WDTX Model Order”), available on the Court’s website. The parties have amended Paragraph 14 and added Paragraphs 19 and

20 of the WDTX Model Order to account for the government's statutory and regulatory obligations; specifically, the proposed amendments relate to the government's record retention requirements, ability to share information with other law enforcement agencies, and oversight by Congress.

The parties have amended Paragraph 2(a) of the WDTX Model Order to permit disclosure of "For Counsel" or "Attorneys Only" information to limited additional categories of persons—specifically, the authors and prior recipients of documents so designated, and litigation vendors, court reports, and other litigation support personnel. These amendments appropriately maintain the necessary level of confidentiality while promoting more efficient use of evidence and minimizing disputes over confidentiality.

The parties' joint proposed Protective Order is attached.

The second protective order is specific to the exchange and use of individually identifiable patient health information, which may be subject to statutory and regulatory protections. This second protective order is needed because this case will require the collection and exchange of patient health information, including medical charts, from the clinics and hospitals that allegedly purchased the products at issue from Defendant. A joint proposed Protective Order Governing the Disclosure of Health Information is attached.

For the reasons stated above, the parties respectfully request that the Court enter the proposed stipulated Protective Orders pertaining to the handling of confidential materials and the proposed stipulated Protective Order Governing the Disclosure of Health Information.

Date: July 31, 2013

Respectfully submitted,  
**STUART F. DELERY**

Assistant Deputy Assistant Attorney General  
Civil Division

**ROBERT PITMAN**  
United States Attorney

By: /s/ Charles J. Biro

**JOHN J. LOCURTO**  
Texas Bar No. 24073750  
Assistant United States Attorneys  
601 N.W. Loop 410, Suite 600  
San Antonio, Texas 78216  
Tel.: (210) 384-7360  
Fax: (210) 384-7312  
[John.LoCurto@usdoj.gov](mailto:John.LoCurto@usdoj.gov)

**MICHAEL D. GRANSTON**  
**JAMIE A. YAVELBERG**  
**CHARLES J. BIRO**  
Attorneys, Department of Justice  
P.O. Box 261, Ben Franklin Station  
Washington, DC 20044  
Tel.: (202) 305-2335  
Fax: (202) 307-5788  
[Charles.Biro@usdoj.gov](mailto:Charles.Biro@usdoj.gov)

Attorneys for United States of America

By: /s/ Robert A. Magnanini

Robert A. Magnanini  
Stone & Magnanini LLP  
150 JFK Pkwy, 4th Floor  
Short Hills, NJ 07090  
Tel.: (973) 218-1111  
Fax: (973) 218-1106  
[Rmagnanini@stonemagnalaw.com](mailto:Rmagnanini@stonemagnalaw.com)

Attorney for Relator DeSalle Bui

**Taylor Dunham, LLP**

301 Congress Ave., Ste. 1050  
Austin, Texas 78701  
Telephone: (512) 473-2257  
Facsimile: (512) 478-4409

David E. Dunham  
State Bar No. 06227700  
Email: [ddunham@taylordunham.com](mailto:ddunham@taylordunham.com)

**DORSEY & WHITNEY LLP**

By: /s/ David Y. Trevor

J. Thomas Vitt

MN Atty. No. 183817

Email: [Vitt.Thomas@dorsey.com](mailto:Vitt.Thomas@dorsey.com)

David Y. Trevor

MN Atty. No. 152997

Email: [Trevor.David@dorsey.com](mailto:Trevor.David@dorsey.com)

Suite 1500, 50 South Sixth Street

Minneapolis, Minnesota 55402-1498

Telephone: (612) 340-2600

Facsimile: (612) 340-2868

**Attorneys for Vascular Solutions, Inc.**

**Certificate of Service**

I certify that, on July 31, 2013, I electronically filed Joint Motion for the Entry of a Stipulated Protective Order Governing the Exchange of Confidential Information and a Stipulated Protective Order Governing the Disclosure of Health Information and two proposed scheduling orders through the Court's ECF system, which automatically served a notice of electronic filing on all counsel of record.

/s/ Charles J. Biro  
Charles J. Biro  
Trial Attorney